

As of 12 April 2004

**DEPARTMENT OF THE ARMY  
HEADQUARTERS,  
3RD CORPS SUPPORT COMMAND  
APO AE 09096**

**Inspector General Activities  
INSPECTOR GENERAL HANDBOOK FOR LEADERS**

**SECTION I. Administrative Information**

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**1. PURPOSE.** To assist leaders and commanders in properly executing their duties in accordance with Army Regulations. This pamphlet provides leaders with information on Department of the Army (DA) policy for a variety of topics. The topics presented in the pamphlet are those that soldiers and commanders frequently surface to the Inspector General. The information presented includes references, highlights of DA policy, commander responsibilities, and where to go for more assistance.

**2. REFERENCES.** A list of references is shown at Appendix A.

**3. SCOPE.** This pamphlet is for use by all leaders assigned to the 3<sup>rd</sup> Corps Support Command.

**4. GENERAL.**

a. The information in Appendixes B through W includes references, highlights of DA policy, and where to go for more assistance. Some sections contain information on commander's responsibilities.

b. When using this pamphlet, keep in mind that it does not supersede or replace Army Regulations. As of the publication date, the information in this pamphlet is current. However, regulations are constantly subject to change. Before taking any final action, commanders should refer to the appropriate regulation.

c. Unless otherwise stated, whenever the masculine gender is used it denotes both men and women.

**5. USER COMMENTS.** Provide any comments on this pamphlet to the 3rd COSCOM Inspector General. The Inspector General is interested to find out if any part of this pamphlet is difficult to use, has out-of-date information, or if any topic was not included that should have been.

**APPENDIX A**  
**CONSOLIDATED LIST OF REFERENCES**

1. AR 20-1 Inspector General Activities and Procedures, dated, Mar 02
2. AR 25-400-2 The Army Records Information Management System (ARIMS), Mar 03
3. AR 27-3 The Army Legal Assistance Program, dated, Feb 96
4. AR 37-104-4 Military Pay and Allowances Policy and Procedures – Active Component, dated, Sep 94
5. AR 40-501 Standards of Medical Fitness, dated, Feb 04
6. AR 210-50 Housing Management, dated, Feb 99
7. AR 350-41 Training In Units, dated, Mar 93
8. AR 40-66 Medical Record Administration and Health Care Documentation, dated, Mar 03
9. AR 600-8 Military Personnel Management, dated, Oct 89
10. AR 600-8-2 Suspension of Favorable Personnel Actions (Flags), dated, Oct 87
11. AR 600-8-10 Leaves and Passes, dated, Jul 03
12. AR 600-8-19 Enlisted Promotions and Reductions, dated, Jan 04
13. AR 600-8-22 Military Awards, dated, Feb 95
14. AR 600-8-24 Officers Transfers and Discharges, dated, Feb 03
15. AR 600-8-29 Officer Promotions, dated, Nov 94
16. AR 600-8-104 Military Personnel Information Management/Records, dated, Apr 92
17. AR 600-8-105 Military Orders, dated, Oct 94
18. AR 600-9 The Army Weight Control Program, dated, Jun 87
19. AR 600-15 Indebtedness of Military Personnel, dated, Mar 86
20. AR 600-20 Army Command Policy, dated, May 02
21. AR 600-38 Meal Card Management System, dated Mar 88
22. AR 600-60 Physical Performance Evaluation System, dated, Jun 02
23. AR 601-280 Army Retention Program, dated, Mar 99
24. AR 608-1 Army Community Service Program, dated, Oct 03
25. AR 608-10 Child Development Services, dated, Jul 97
26. AR 608-18 The Army Family Advocacy Program, dated, Oct 03
27. AR 608-99 Family Support, Child Custody, and Paternity, dated, Oct 03
28. AR 623-105 Officer Evaluation Reporting System, dated, Apr 98
29. AR 623-205 Noncommissioned Officer Evaluation Reporting System, dated, May 02
30. AR 635-40 Physical Evaluation for Retention, Retirement, or Separation, dated, Aug 90
31. AR 635-200 Active Duty Enlisted Administrative Separations, dated, Dec 03
32. PAM 25-30 Consolidated Index of Army Publications and Blank Forms, dated, Apr 04
33. DA PAM 600-8 Management and Administrative Procedures, dated, Aug 86
34. DA PAM 600-8-1 Standard Installation Division Personnel System (SIDPERS), dated, Mar 89
35. DoD Dir 6490.1 Mental Health Evaluations of Members of the Armed Forces
36. DoD Dir 7050.6 Military Whistle-Blower Protection
37. FM 21-20 Physical Fitness Training, dated, Sep 92
38. FM 27-1 Legal Guide for Commanders, dated, Jan 92
39. Department of Defense Pay and Entitlements Manual (DFAS)
40. Manual for Courts Martial, Edition 2003

**APPENDIX B**  
**NONCOMMISSIONED OFFICER EVALUATION REPORT (NCO-ER) PERFORMANCE COUNSELING**

**1. REFERENCE.** AR 623-205, Noncommissioned Officer Evaluation Reporting System, dated, May 02.

**2. DEPARTMENT OF THE ARMY POLICY.**

a. AR 623-205, paragraph 3-6a requires a rater to conduct performance counseling on NCOs that they rate. Performance counseling will focus on duty performance and professional development throughout the rating period.

b. The rater must prepare and use DA Form 2166-8-1 (NCO Counseling Checklist/Record) when conducting performance counseling. A DA Form 2166-8-1 must be prepared for each NCO.

c. Performance counseling must occur on a regular basis.

(1) Within the first 30 days of a new rating period.

(2) Within the first 30 days of promotion to Sergeant.

(3) Within the first 30 days of appointment to Corporal.

(4) Every three months during the rating period.

d. Raters must make every effort to counsel rated NCOs as directed by AR 623-205. When a counseling session does not occur as scheduled, it should be conducted as soon as circumstances permit.

e. AR 623-205, paragraph 3-8d provides guidance on what to do should counseling not occur at all during the rating period. The senior rater must include a bullet comment on the Noncommissioned Officer Evaluation Report (NCO-ER) in part V, section "e" explaining why no counseling occurred.

f. The Military Personnel Office will not accept an NCO-ER without counseling dates or a senior rater bullet comment regarding the lack of counseling.

g. The DA Form 2166-8-1 is maintained until the NCO-ER is approved and submitted to U.S. Army Enlisted Records and Evaluation Center, State Adjutant General or Commanding General, or Army Personnel Center. There is no requirement to maintain the DA Form 2166-8-1 after this point. AR 623-205 authorizes the rater to maintain the form to support future personnel actions.

**3. POINTS OF CONTACT.**

a. Personnel Officer (S1)/Sergeant.

b. Personnel Service Center.

**APPENDIX C**  
**NONCOMMISSIONED OFFICER EVALUATION REPORT (NCO-ER) APPEALS**

**1. REFERENCE.** AR 623-205, Enlisted Evaluation Reporting System, dated May 02.

**2. DEPARTMENT OF THE ARMY POLICY.** The appeals system is designed to protect the Army's interests and ensure fairness to the NCO. It also avoids questioning the integrity or judgment of the rating officials without sufficient cause. Preparation of an appeal will not delay submission of the original NCO-ER.

**3. GENERAL INFORMATION.**

a. Deciding to appeal: Before submitting an appeal, an objective analysis of the report in question should be made. The soldier should be realistic in the assessment of whether or not to submit an appeal. The soldier should carefully read AR 623-205 Chapter 4 and Appendix F. The soldier should seek assistance in determining whether an appeal is advisable. The Staff Judge Advocate, Personnel Service Center personnel, Personnel Sergeant, and/or career management officials at Headquarters DA are available to provide assistance.

b. Timeliness. Substantive appeals must be submitted within five (5) years of the NCO-ERs completion date. These appeals pertain to parts III, IV, and V of the DA Form 2166-8. There is no time limit on administrative appeals. However, the likelihood of successfully appealing a report diminishes with the passage of time. Therefore, appeals should be submitted promptly.

c. Burden of proof rests with the soldier. Successfully appealing an NCO-ER depends on the strength of the evidence, the care with which the case is prepared, and the line of argument presented. The soldier should obtain statements from third parties. "Third parties" are persons who have knowledge of the rated soldier's duty performance during the contested rating period. Official documents may also substantiate that an evaluation report is in error. To be acceptable, evidence must be competent and relevant to the soldier's claim. Soldiers commonly assume the appeals board has access to all information related to their appeal. Soldiers must ensure they submit all documentation to assist in their appeal request. Failure to do so hinders the appeals process and prevents the board from making an informed decision. The board will make a decision based on the evidence provided.

d. Submission. Prior to submitting the appeal, the soldier should have the entire package reviewed by a disinterested third party. This may help remove emotionalism and poor logic from the case. The case must be logical, well-constructed case, and as fully documented as possible. Rated NCOs may seek an initial means of redress through the Commander's Inquiry provisions of paragraph 2-15. The results of a Commander's Inquiry do not constitute an appeal, but may be used in support of an appeal.

e. Preparation. Appeals will be prepared in accordance with AR 623-205, Chapter 4 and Appendix F.

**3. SOLDIER'S RESPONSIBILITIES.** Become thoroughly familiar with AR 623-205, Chapter 4 and Appendix F, prior to submitting an appeal. Prepare the appeal in the format required and include necessary enclosures.

**4. COMMANDER'S RESPONSIBILITIES.** Provide assistance as requested.

**5. POINTS OF CONTACT.**

- a. Personnel Officer/NCO (S1).
- b. SJA/Legal Specialist.
- c. Career Management Officials.

## **APPENDIX D ENLISTED PROMOTIONS**

### **1. REFERENCES.**

- a. AR 600-8-19, Enlisted Promotions and Reductions, dated, Jan 04.
- b. AR 25-400-2, The Army Records Information Management System (ARIMS), dated, Mar 03.
- c. AR 600-20, Army Command Policy, dated, May 02.

**2. DEPARTMENT OF THE ARMY POLICY.** The purpose of the Army's Enlisted Promotion System is to fill authorized enlisted spaces with the best-qualified soldiers. It provides for career progression and rank that is in line with potential. It precludes promoting the soldier who is not productive or not best qualified, thus providing an equitable system for all soldiers.

**3. GENERAL INFORMATION.** There are numerous work tasks in the promotion process. Those procedures will not be discussed as they are listed in detail in the promotion regulation. The following are areas in which errors are commonly found. However, commanders should become familiar with decentralized promotion criteria (PV2-SPC/CPL) specified in AR 600-8-19 chapter 2 and semi-centralized promotion criteria (SGT/SSG) specified in chapter 3.

- a. Counseling/mentoring: Both play an important role in the promotion process. Soldiers must know what is expected of them, told what to strive for, or what areas to improve in order to achieve promotion. AR 600-20 chapter 2 requires commanders to maintain an effective performance-counseling program.
- b. Secondary zone: Soldiers don't have a right to compete for promotion upon attaining secondary zone status. The secondary zone provides incentives to those who strive for excellence. It is for soldiers whose accomplishments, demonstrated capabilities for leadership, and marked potential warrant promotion ahead of their peers.
- c. Unit commanders must counsel soldiers fully qualified for promotion to SGT and SSG without waivers, but not recommended for promotion. Counseling is mandatory.
- d. Flagging actions: Soldiers must be in a promotable status to be promoted. Often soldiers continue to remain flagged after the flag action has been finalized. Commanders must ensure that flags are removed immediately when finalized.
- e. Promotion Boards: A common error found concerns appointment of the board members. The promotion authority, not the president of the board, appoints board members. Additionally, soldiers not recommended for promotion or not attaining enough points to obtain list status must be counseled on Section C, DA Form 3355 Promotion Point Worksheet.
- f. Criteria for removing a soldier from the Promotion Standing List are outlined in AR 600-8-19 chapter 3 and MILPER Message #04-037 dated 25 Nov 03.
- g. Promotion Records: Records must be kept in accordance with the disposition instructions of AR 25-400-2.
- h. Waiver allocations: Errors in computing waiver allocations are often encountered. Steps for computing waiver allocations are contained in AR 600-8-19, table 2-3. The CO1 report must be reconciled with gains and losses prior to computing.
- i. Grade change transactions must be submitted immediately upon soldier's promotion to update personnel and pay records.

#### **4. COMMANDER'S RESPONSIBILITIES.**

- a. Ensure Battalion S1 personnel complete required administrative actions.
- b. Ensure soldiers not recommended for promotion who are fully qualified receive counseling.
- c. Be thoroughly familiar with regulatory guidance on promotions.
- d. Ensure flags are removed immediately when finalized.

#### **5. POINTS OF CONTACT.**

- a. Personnel Officer (S1)/ Personnel Sergeant.
- b. PSC personnel.

## **APPENDIX E**

### **PHYSICAL FITNESS TRAINING AND TESTING**

#### **1. REFERENCES.**

- a. AR 350-41, Training in Units, dated, Mar 93.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), dated, Oct 87.
- c. AR 600-8-19, Enlisted Promotions and Reductions, dated, Jan 04.
- d. AR 600-8-24, Officer Transfers and Discharges, dated, Feb 03.
- e. AR 600-9, Army Weight Control Program, dated, Jun 87.
- f. AR 601-280, Total Army Retention Program, dated, Mar 99.
- g. AR 635-200, Active Duty Enlisted Administrative Separations, dated, Dec 03.
- h. FM 21-20, Physical Fitness Training, dated Sep 92.
- i. V Corps Policy Letter #10 dated, 26 Nov 01.

#### **2. DEPARTMENT OF THE ARMY POLICY.**

a. Conditioning for combat readiness is the focus of all physical fitness training. Commanders must design unit programs to take the base level fitness defined by the Army Physical Fitness Test (APFT) and raise it to meet or exceed mission- related physical performance requirements. **Mission-related physical fitness standards do not include increased APFT standards.**

b. The intent of the APFT in the Army Physical Fitness Program is to provide a periodic assessment of the unit's fitness program. The purpose of physical fitness testing is to give soldiers an incentive to stay in good physical condition and allow commanders a means of assessing their unit's general fitness level.

c. References 1a and 1g above define procedures and responsibilities concerning physical fitness training and readiness. Special fitness programs are described in FM 21-20 chapter 1. Special programs are appropriate for soldiers who have difficulty meeting unit or Army standards. Such programs will not be punitive in nature; they must be designed to build soldiers up, not tear them down.

#### **3. GENERAL INFORMATION.**

a. Commanders may establish unit APFT standards that exceed Army minimum standards. These special programs should be conducted as part of the regularly scheduled PT program (during the duty day). It should not be additional PT. Commanders should tailor those programs according to FM 21-20. Units that establish higher standards should do so based on unit METL tasks requiring soldiers to be more than minimally fit. These are generally associated with Ranger, Special Forces, Light Infantry, LRSD, and similar units.

b. Commanders will conduct physical fitness programs that enhance the soldier's ability to complete essential individual combat tasks. Preparing for the APFT will not form the foundation of a unit or individual's fitness program. It is of secondary importance to conditioning to meet mission-related physical requirements. Examples of mission-related physical requirements are:

- (1) Forced marching with loads to include cross-country movement.



(2) Confidence and obstacle courses.

c. Soldiers who fail to meet APFT or mission-related physical fitness standards are subject to the same administrative action as for inability to perform any other mission-essential task.

d. Per AR 350-41 chapter 9, Units will conduct regularly scheduled PT at least three to five times per week. Physical Training (PT) is conducted during the normal duty day. V Corps Policy Letter #10 dated, 26 Nov 01, states, "PT will be conducted four (4) days a week for 1 hour between 0530 and 0730."

e. Soldiers who fail to meet Army or unit standards may be placed in a special PT program. This special program should be designed to help the soldiers overcome their particular weakness. This program should be conducted as part of the regularly scheduled PT program. It should not be additional PT. It is not punishment. Tailor these programs according to FM 21-20.

f. Soldiers will not participate in PT that violates a current, valid physical profile. Commanders and ISGs should speak frequently with unit physicians and PAs to fully understand the intent and conditions of the profile and to determine what training is appropriate for the soldier. Profiles are not a blanket exemption from participating in PT.

g. All soldiers age 40 and over will be evaluated for coronary heart disease risk factors as part of their periodic physical examination. The medical procedures for the CVSP are outlined in AR 40-501. This is the responsibility of the soldier. Per AR 350-41 chapter 9, paragraph 8b(16), uncleared soldiers may continue their current level of exercise during the evaluation process, including participation in unit or individual programs, but they will not be permitted to take the APFT until cleared.

h. Active Army soldiers must take the APFT at least twice each year, with a minimum of four months separating record tests if two record tests are given. Commanders may administer the APFT as often as they wish; however, per AR 350-41 chapter 9, paragraph 8b(2), they must indicate beforehand when the results are for record purposes. The period between record tests will not exceed 12 months. Commanders will flag soldiers who fail to take the APFT within the required period per AR 600-8-2.

i. IAW AR 350-41, all the events in a record APFT must be completed on the same day. Units will conduct APFT events in the following order: push-ups, sit-ups, and 2-mile run (or alternate aerobic event). There are **no** exceptions to this sequence.

j. Soldiers who fail a record APFT will retest no later than three months following the initial failure, or sooner if the soldier and the commander believe he is ready. Soldiers that fail this re-test are categorized as repetitive APFT failures. Commanders will take the following actions against APFT failures:

(1) Enlisted soldiers: The records of soldiers who fail a record APFT for the first time, as well as those who fail to take a record APFT within the required period, must be flagged IAW AR 600-8-2. Bars to Reenlistment will be imposed on soldiers who fail a second consecutive record APFT IAW AR 601-280, chapter 8-4a. Soldiers who fail the APFT required to complete a NCOES school, can be barred per AR 600-8-19, chapter 3-28b(5), even if it is the soldier's first APFT failure. IAW MILPER message 00-70, soldiers on the promotion standing list will be removed immediately upon **any** APFT failure.

(2) Officers: For repetitive APFT failures, process for separation from the service (AR 635-100).

k. Soldiers will be weighed when they take the record APFT **or** at least once every six months according to procedures outlined in AR 600-9.

l. As soon as a soldier has been determined to be pregnant by a physician, that soldier is exempt from regular unit PT. The soldier can participate in Special Population PT as long as it does not violate the soldier's profile. A pregnant soldier will not take the APFT, whether for record or diagnostic purposes, per AR 40-501, chapter 7-9c(4)(b). This same regulation outlines postpartum profiles for recovery.

m. Soldiers will not be flagged or barred for failing a diagnostic APFT.

n. Test-site administrators and graders must be alert for signs of injury or illness before and during the APFT. Soldiers should also take it upon themselves to inform the supervisor of any illness or injury that could or did prevent successful completion of the APFT. When identified, the soldier's APFT will be stopped and he/she will be immediately referred for medical evaluation IAW AR 350-41, chapter 9-10. An APFT stopped for this reason becomes invalid. It will not be considered an APFT failure and does not warrant flagging action.

o. The criteria for wear and appearance of the Army Physical Fitness Badge is governed IAW AR 600-8-22 has been changed by DA ALARACT MSG 092/97 dated 221730Z October 97. Soldiers must now achieve 90 points or more in each record APFT event for a total of 270 points or more to earn and wear the badge. Under the new standards, soldiers must meet this requirement annually to continue to wear the badge.

### **3. COMMANDER'S RESPONSIBILITIES.**

- a. Establish and conduct physical fitness programs consistent with Army regulations and unit mission.
- b. Become familiar with the principles, procedures, and guidelines in FM 21-20.
- c. Establish special programs for soldiers that fail to meet Army and unit physical fitness standards.
- d. Take appropriate administrative action against soldiers who fail to meet Army or mission-related physical fitness requirements.

### **4. POINTS OF CONTACT.**

- a. Unit master fitness trainer.
- b. Personnel Officer (S1)/NCO.
- c. Local MEDDAC.

## **APPENDIX F CORRECTIVE TRAINING**

### **1. REFERENCES.**

- a. AR 600-20, Army Command Policy, dated, May 02.
- b. FM 27-1, Legal Guide for Commanders, dated, Jan 92.
- c. Manual for Courts Martial, 2003 Edition.

**2. DEPARTMENT OF THE ARMY POLICY.** Military discipline is founded upon self- discipline; respect for properly constituted authority, and embracing the professional Army ethic with its supporting individual values. Individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority will develop it. Military authority is exercised with promptness, firmness, courtesy, and justice. One of the most effective non-punitive corrective measures is extra training or instruction, including on-the-spot correction.

### **3. GENERAL INFORMATION.**

- a. The training, instruction, or correction given to a soldier to correct deficiencies must be directly related to the deficiency.
- b. Corrective measures must be oriented to improving the soldier's performance in his problem area and may be taken after normal duty hours.
- c. Such measures assume the nature of training or instruction, not punishment, and should continue only until the training deficiency is overcome. An example would be having a soldier conduct police call after duty hours in a defined area for throwing trash on the ground.

### **4. COMMANDER'S RESPONSIBILITIES.**

- a. Ensure that training and instruction are not used in an oppressive manner.
- b. Use written counseling and non-judicial punishment under Article 15, UCMJ, for soldiers who fail to respond to proper corrective training for repeated minor offenses.
- c. Ensure that deficiencies satisfactorily corrected by means of training and instruction are not noted in the official records of the soldiers concerned.

### **5. POINTS OF CONTACT.**

- a. Chain of Command
- b. Staff Judge Advocate

**APPENDIX G**  
**ARMY WEIGHT CONTROL PROGRAM**

**1. REFERENCES.**

- a. AR 600-9, The Army Weight Control Program, dated, Jun 87.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), dated, Oct 87.
- c. AR 600-8-19, Enlisted Promotions and Reductions, dated, Jan 04.
- d. AR 600-8-24, Officer Transfers and Discharges, dated, Feb 03.
- e. AR 635-200, Active Duty Enlisted Separations, dated, Dec 03.

**2. DEPARTMENT OF THE ARMY POLICY.**

a. It is the responsibility of the individual soldier to meet the body fat standards in AR 600-9. Commanders and supervisors will monitor all soldiers in their command to ensure they maintain proper body weight, body composition, and personal appearance. Excessive body fat indicates a lack of personal discipline, detracts from military appearance, and may indicate a poor state of health, fitness, or stamina.

b. Soldiers will conform to the body fat standards in AR 600-9, paragraph 20c. Soldiers that exceed these body fat standards are considered overweight.

c. Soldiers who are overweight will be flagged in accordance with AR 600-8-2. Personnel arriving at a military school who do not meet body fat composition standards will be denied enrollment without further process and reassigned IAW paragraph 20d(6). IAW MILPER message 00-70, soldiers on the promotion standing list will be removed immediately upon enrollment in the Army Weight Control Program.

d. Once a commander places a soldier in the Army Weight Control Program (AWCP) that soldier must lose 3-8 pounds per month. This level of monthly weight loss must be met unless prevented by a medical condition. The soldier should be counseled by health care personnel to determine if such a condition exists.

(1) Soldiers that fail to make this progress for two consecutive months are subject to separation proceedings.

(2) Commanders will initiate a mandatory bar to re-enlistment or administrative separation against soldiers that fail to make satisfactory progress after being placed on the AWCP for six months.

e. If a soldier becomes overweight within 12 months of the date of removal from the AWCP and no underlying medical reason is found as the cause, the unit commander will initiate separation proceedings against the soldier.

f. Soldiers that become overweight after the 12th month but within 36 months of removal from the AWCP are allowed 90 days to meet the standard or become subject to separation proceedings.

g. Soldiers that meet body fat standards that become pregnant are exempt from the standards for the duration of the pregnancy plus any approved convalescent period upon termination of pregnancy.

**3. COMMANDER'S RESPONSIBILITIES.**

- a. Become familiar with AR 600-9.
- b. Ensure that every soldier is weighed once every six months.

- c. Ensure that soldiers that exceed their screening table weight (AR 600-9, table 1) are taped to determine their body fat content. Procedures for determining body fat content are located in AR 600-9, Appendix B.
- d. Have medical personnel determine if there is a medical problem causing the soldier's weight condition. Army Regulation 600-9 contains a sample memorandum to the Medical Department Activity (MEDDAC).
- e. If no medical reason exists, enter the soldier in the AWCP. This should be done in writing. AR 600-9 contains a sample memorandum.
- f. Flag soldiers entered in the AWCP UP of AR 600-8-2.
- g. Provide all soldiers with guidance and information on diet and exercise to control weight.
- h. Conduct monthly weigh-ins for soldiers in the AWCP. Body fat content evaluations may also be done to assist in the measuring process.
- i. Remove soldiers from the AWCP once they meet the body fat content standard of AR 600-9. Do not use the screening table as the standard to remove soldiers from the AWCP.
- j. Initiate a bar to reenlistment or administrative separation against soldiers that fail to make satisfactory progress in the AWCP after six months. Inform the soldier in writing.
- k. Soldiers who exceed the screening table weight but do not exceed the allowable body fat percentage will not be subject to punitive action. Soldiers whose appearance suggests that body fat is excessive should be advised of their option to seek counseling on proper dietary and physical training programs from health care personnel or the Master Fitness Trainer.

#### **4. POINTS OF CONTACT.**

- a. Battalion S-1.
- b. Unit Physician's Assistant.
- c. Unit Master Fitness Trainer.
- d. MEDDAC.

## **APPENDIX H TEMPORARY PHYSICAL PROFILES**

### **1. REFERENCES.**

- a. AR 350-41, Training in Units, dated, Mar 93.
- b. AR 40-501, Standards of Medical Fitness, dated, Feb 04.
- c. AR 40-66, Medical Record Administration and Health Care Documentation, dated, Mar 03.
- d. AR 600-60, Physical Performance Evaluation System, dated, Jun 02.
- e. AR 635-40, Physical Evaluation for Retention, Retirement, or Separation” dated 1 Sep 90.
- f. FM 21-20, “Physical Fitness Training” dated 30 Sep 92 w/C1 dated 1 Oct 98.

### **2. DEPARTMENT OF THE ARMY POLICY.**

- a. Temporary profiles are intended to allow soldiers to properly recover from illness or injury. Commanders must consult with medical personnel to determine what physical training and duty requirements the profiled soldier can perform. The intent of a profile is to assist the soldier in fully returning to their duty in the fastest, safest manner possible. A profile does not constitute a blanket authority to avoid PT or normal duty.
- b. A soldier should perform their normal duties to the maximum extent permitted by the profile.
- c. Unit Master Fitness Trainers (MFT) or commanders should provide profiled soldiers with guidance on reconditioning exercises and diet for the duration of the profile.
- d. Commanders should provide an alternate aerobic activity for soldiers with profiles that prohibit running. FM 21-20, Chapter 2 provides alternate aerobic activities.
- e. Profiled soldiers do not take the APFT if their profile prohibits them from participating in any APFT event. Once the profile period ends, the soldier gets a training period twice the length of the profile (not more than 90 days) to prepare for the APFT. If a scheduled APFT occurs during the profile period, the soldier is given a mandatory APFT date (FM 21-20, Chapter 14).
- f. Profiling of soldiers is limited to physicians, dentists, podiatrists, audiologists, physical therapists, occupational therapists, physician’s assistants, nurse midwives, and nurse practitioners (AR 40-501, paragraph 7-6).
- g. Physician’s assistants, nurse midwives, and nurse practitioners may only award temporary profiles for a period of 30 days or less. A physician must confirm profiles longer than 30 days or extensions of profiles beyond 30 days, except for pregnancy (AR 40-501, paragraph 7-6).
- h. Soldiers with temporary profiles of three months or more may be given the alternate APFT if approved by the commander and after input from health care personnel. Profiled soldiers are given three months to prepare for the alternate test. The alternate test is outlined in FM 21-20, Chapter 14 (AR 350-15, paragraph 11b(3)).

### **3. COMMANDER’S RESPONSIBILITIES.**

- a. Ensure all soldiers are utilized to the fullest extent possible within the limits of their profiles.
- b. Coordinate with health care personnel to maintain, monitor, and improve the health and physical abilities of assigned personnel.

- c. Refer soldiers to a PPBD when their profile does not accurately reflect their functional ability.
- d. Ensure a soldier's profile is not violated and a soldier is not required to violate his profile.
- e. Utilize the MFT to develop and monitor fitness programs to assist the soldier in recovering from his injuries.

**4. POINTS OF CONTACT.**

- a. Officer/NCOIC of the supporting Troop Medical Clinic.
- b. Personnel Officer (S1)/NCO.
- c. Unit Master Fitness Trainer.
- d. MTF Patient Administration Division.

## **APPENDIX I**

### **PERMANENT PHYSICAL PROFILES**

#### **1. REFERENCES.**

- a. AR 350-41, Training in Units, dated, Mar 93.
- b. AR 40-501, Standards of Medical Fitness, dated, Feb 04.
- c. AR 40-66, Medical Record Administration and Health Care Documentation, dated Mar 03.
- d. AR 600-60, Physical Performance Evaluation System, dated, Jun 02.
- e. AR 635-40, Physical Evaluation for Retention, Retirement, or Separation, dated, Aug 90.
- f. FM 21-20, Physical Fitness Training, dated, Sep 92 w/ chg 1, dated, Oct 98.

#### **2. DEPARTMENT OF THE ARMY POLICY.**

a. Physical profiling is the Army's method of classifying a soldier's functional ability. Every soldier has a permanent profile. Soldiers receive their permanent physical profile at the time of enlistment, appointment, or induction.

#### **3. GENERAL INFORMATION.**

a. A physical profile is made up of six factors: physical capacity, upper extremities, lower extremities, hearing and ears, eyes, and psychiatric. The letters "P-U-L-H-E-S" represent these factors.

b. Each factor is rated on a scale of 1 to 4. These factors represent limits to classification or assignment.

(1) 1 = no limitations.

(2) 2 = possible limitations.

(3) 3 = limitations required.

(4) 4 = drastic limits to military duties.

c. A permanent change to a soldier's profile must be made by one of the following: physician, dentist, optometrist, podiatrist, or audiologist. Commanders of Army Medical Treatment Facilities (MTF) must designate individuals as profiling officers.

d. Designated profiling officers make changes to a soldier's profile using DA Form 3349 (Physical Profile). The profiling officer indicates duty limitations in block 3. These limitations must be legible, specific, and in lay terms. In blocks 5, 6, 7, and 9 the profiling officer indicates what physical activities the soldier can perform.

e. A Physical Profile Board (PPBD) reviews the decisions of profiling officers for the MTF commander. Once a PPBD rules on a profile, that decision is official. PPBDs review profiling decisions in the following instances:

(1) Permanent change of profile to or from a "3" or "4".

(2) Return to duty after six months of hospitalization.

(3) A profile rating of "2" that requires significant assignment limitations.



(4) The MTF commander directs a review in controversial cases.

(5) Upon request of the unit commander.

f. The commander or profiling officer will refer soldiers getting a new permanent "3" or "4" profile rating in one or more PULHES factors to a MOS/Medical Retention Board (MMRB) for evaluation. The MMRB determines if a soldier can perform his/her duties in a worldwide field environment. The MMRB recommends one of the following to the convening authority:

(1) Retain the soldier in PMOS or specialty code. The soldier is returned to duty within the limits of their profile.

(2) Reclassify the soldier. If the convening authority agrees, U.S. Army Personnel Command will evaluate the soldier for reclassification.

(3) Probationary status: The MMRB will re-evaluate the soldier at the end of a period not to exceed six months.

(4) Referral to the Army's physical disability system: In this instance the MMRB determined that the soldier's condition prevents further duty in any MOS or specialty. The soldier's case is then sent to the Medical Evaluation Board (MEBD). This begins a process, which will decide if the soldier is retained or separated from the service.

g. Commanders or personnel management officers determine proper assignment and duty based on a soldier's profile, assignment limitations, grade, and MOS.

h. Physical Training for soldiers with permanent profile limitations.

(1) The profiling officer will prescribe a physical training program using the DA Form 3349. The commander and Master Fitness Trainer should participate in this decision. The program should include dietary guidance.

(2) Soldiers, who cannot run, take an alternate aerobic event for the APFT. FM 21-20, chapter 14 provides guidance on alternate aerobic events. An aerobic event must be taken for the APFT to be valid and to receive a 'GO'.

(3) Soldiers do not take alternate events for the sit-up or push-up. If a profile prohibits either or both of these events, they are eliminated from the test.

(4) When an event is eliminated or an alternate is substituted, the soldier receives only a 'GO/NO GO' for the APFT. To receive a 'GO' on a normal event the soldier must score 60 points based on their age and gender.

(5) Soldiers get three months to prepare for the alternate test. The preparation period starts on either the day the profile was approved or the date that an alternate test was recommended by health care personnel.

#### **4. COMMANDER'S RESPONSIBILITIES.**

a. Ensure that all soldiers are utilized to the fullest extent possible within the limits of their profile.

b. Coordinate with health care personnel to maintain, monitor, and improve the health and physical abilities of assigned personnel.

c. Become familiar with AR 635-40 and the Army Physical Disability Evaluation System if a soldier is entered into the process.

d. Refer soldiers to a PPBD when their profile does not correctly reflect their functional ability.

e. Ensure a soldier's profile is not violated and a soldier is not required to violate his profile.

- f. Utilize the MFT to develop and monitor fitness programs to assist the soldier in recovering from his injuries.

**5. POINTS OF CONTACT.**

- a. Supporting Troop Medical Clinic OIC/NCOIC.
- b. Personnel Officer (S1)/NCO.
- c. Patient Administration Division at the Medical Treatment Facility.
- d. Master Fitness Trainer.

**APPENDIX J**  
**SUPPORT OF FAMILY MEMBERS AND DEPENDENTS**

**1. REFERENCES.**

- a. AR 608-99, Family Support, Child Custody, and Paternity, dated, Oct 03.
- b. Department of Defense Pay and Entitlements Manual.

**2. DEPARTMENT OF THE ARMY POLICY.**

- a. Financial nonsupport of family members is an official matter of concern. **This is a command issue.**
- b. Soldiers are required to manage their personal affairs in a manner that does not bring discredit upon himself or herself or the United States Army. This responsibility includes:
  - (1) Maintaining reasonable contact with family members to that their financial needs and welfare are met and do not become official matters of concern for the Army.
  - (2) Conducting themselves in an honorable manner with regard to parental commitments and responsibilities.
  - (3) Providing adequate and continuous financial support to their family members.
  - (4) Complying with all court orders.
- c. The term "family member" for the purpose of this regulation only, a family member includes—
  - 1. A soldier's present spouse. (A former spouse is not a family member.)
  - 2. A soldier's minor children from the present marriage.
  - 3. A soldier's children by any former marriage if the soldier has a current obligation to provide support to that child. This may include children legally adopted by the soldier. (A family member does not include the child of a soldier who has been legally adopted by another person.)
  - 4. Minor children born out of wedlock to—
    - (a) A female soldier.
    - (b) A male soldier if evidenced by a court order, or the functional equivalent of a court order, identifying the soldier as the father or if the soldier is providing support to the child under the terms of this regulation. e. Any other person (for example, parent, stepchild) for whom the soldier has a legal obligation to provide financial support under the applicable law. This includes court orders directing the soldier to provide financial support to a child 18 years of age or older or to some other person. It does not include financial support voluntarily provided to a child 18 years of age or older or to some other person.
- d. Soldiers **must** provide child support and/or alimony under the following circumstances:
  - (1) Court orders regarding child support, alimony, and paternity.
  - (2) The financial support provisions of a written support agreement in the absence of a court order.
  - (3) If there is no court order or written support agreement, the soldier must comply with the minimum support provisions of AR 608-99, paragraph 2-6.
- e. Soldiers are expected to keep reasonable contact with their family members, as well as with others who have a legitimate need to know of their location. This helps minimize the total number of inquiries to their commanders and other Army officials on financial support, child custody and visitation, paternity, and related matters.

f. Soldiers cannot use their military status or assignment to deny financial support to family members or to evade court orders concerning financial support, child custody and visitation, paternity, and related matters.

g. The provisions of AR 608-99 are intended as **interim** measures until the parties involved arrive at a mutual agreement or resolve their differences in court.

h. Violations of the minimum support requirements of AR 608-99, paragraph 2-6 or child custody provisions of paragraph 2-9 are punishable under Article 92 of the Uniform Code of Military Justice (UCMJ).

i. Minimum support is defined as an amount of money equal to soldier's BAH II-WITH to the family unit. A soldier's entitlement or lack of entitlement to such allowances has no bearing on his obligation to provide support.

**j. A commander has no authority to excuse a soldier from complying with the interim support requirements of AR 608-99, except as listed in paragraph 2-11.**

k. Soldiers cannot fall into arrears without violating AR 608-99, paragraph 2-5. This paragraph is punitive in nature. Soldiers who violate this paragraph by falling into arrears may be punished accordingly. Although a civil court may enforce the collection of arrearage based on financial support provisions of a court order or written support agreement, there are no legal means for the military to enforce its collection. Nevertheless, in all cases, soldiers should be strongly encouraged, but not ordered, to pay arrears.

### **3. COMMANDER'S RESPONSIBILITIES.**

a. Respond to all official messages and correspondence concerning nonsupport claims.

b. Process and respond to complaints of nonsupport IAW AR 608-99 paragraph 3-1.

c. Ensure soldiers are thoroughly familiar with the provisions of AR 608-99.

d. Counsel soldiers and take other actions, as appropriate, in response to all complaints received against them.

e. Conduct inquiries into allegations of nonsupport.

f. Take appropriate action against soldiers who fail to comply with AR 608-99 or lawful orders issued based on this regulation. Confer with the Staff Judge Advocate if there are any questions regarding "appropriate action." These actions include, but are not limited to, the following:

(1) Adverse counseling.

(2) Admonition.

(3) Memorandum of reprimand for filing in a soldier's MPRJ or Official Military Personnel File (AR 600-37).

(4) Bar to reenlistment.

(5) Administrative separation from the service (AR 635-100 or AR 635-200).

(6) Non-judicial punishment under UCMJ, Article 15.

(7) Courts-martial.

### **4. POINTS OF CONTACT.**

a. Staff Judge Advocate.

b. Inspector General.

## **APPENDIX K FAMILY CARE PLANS**

### **1. REFERENCES.**

- a. AR 600-20, Army Command Policy, dated, May 02.
- b. AR 600-8-24, Officer Transfers and Discharges, dated, Feb 03.
- c. AR 635-200, Active Duty Enlisted Administrative Separations, dated, Dec 03.

### **2. DEPARTMENT OF THE ARMY POLICY.**

a. Family Care Plans (FCP) must ensure family members are properly and adequately cared for when the soldier is not available. It's the primary responsibility of the soldier to implement the FCP. It may be completed any time conditions warrant and family care is necessary due to the required absence of the soldier.

b. Soldiers must be able to perform their military duties without interference of family responsibilities. They must be available for duty when and where the needs of the Army dictate.

c. The DA Form 5305-R (Family Care Plan) is the Family Care Plan. It will include proof that guardians and escorts:

(1) Have been thoroughly briefed on the responsibilities they are assuming.

(2) Know how to access military and civilian facilities and services on behalf of the dependent family members.

(3) Agree to provide care and have been provided all necessary legal authority and means to do so.

d. Reserve Component soldiers are subject to this regulation during periods of absence. Periods of absence include annual training, unit training assemblies, deployment and mobilization, or other types of active duty.

3. Soldiers must complete a FCP when any of the following apply:

a. Pregnant soldiers whom:

(1) Are single, divorced, widowed, separated or reside without their spouse.

(2) Are married to another service member on active duty or the reserve component of any service.

b. Soldiers, who are single, divorced, widowed, or separated or reside without their spouse and one of the following applies:

(1) Has joint or full legal and physical custody of one or more dependents under age 18.

(2) Has adult dependent family member(s) incapable of self-care, regardless of age.

c. Dual-service couples of the active or reserves and one of the following applies:

(1) One or both has joint or full legal and physical custody of one or more dependents under age 18.

(2) Has adult dependent family member(s) incapable of self-care, regardless of age.

d. Soldier is divorced and has liberal or extended visitation rights by court decree. Applies only if the dependent is placed in the soldier's care in excess of 30 consecutive days.

e. Soldier's spouse is incapable of self-care or is physically, mentally, or emotionally disabled and requires special care or assistance.

#### **4. COMMANDER'S RESPONSIBILITIES.**

a. Conduct FCP counseling. This **can** be delegated.

b. Approve FCPs. This **cannot** be delegated.

c. Ensure soldiers know their responsibilities concerning FCPs.

d. Ensure FCPs are certified annually or sooner if events dictate.

e. Ensure soldiers on OCONUS assignment instructions or deployment notification comply with FCP requirements.

f. Screen soldiers during unit in-processing to determine if FCP requirements apply.

g. Be thoroughly familiar with FCP requirements and procedures.

**5. PROCEDURAL GUIDANCE.** Procedures for completing the FCP Counseling Checklist and the FCP for Continental U.S. (CONUS) and Outside CONUS (OCONUS) are detailed in AR 600-20.

#### **6. POINTS OF CONTACT.**

a. Unit Personnel Officer (S1)/NCO.

b. Legal Specialist/SJA.

c. Chaplain/ACS.

**APPENDIX L**  
**GEOGRAPHICAL BACHELORS (UNACCOMPANIED MARRIED SOLDIERS)**

**1. REFERENCE.** AR 210-50, Housing Management, dated, Feb 99.

**2. DEPARTMENT OF THE ARMY POLICY.**

a. Assignment to Senior Officer Quarters (SOQ), Officer Quarters (OQ), Senior Enlisted Quarters (SEQ), and Enlisted Quarters (EQ) is determined by priority. SOQ, OQ, SEQ, and EQ is also known as Unaccompanied Personnel Housing (UPH) and includes barracks, dormitories, and transient UPH. It may also include privately leased housing.

b. Priorities for assignment are based on personnel categories listed in Table 3-4, AR 210-50. Conditions for termination are listed in Chapter 3, paragraph 3-36.

**3. GENERAL INFORMATION.**

a. Geographical bachelors are soldiers who, for personal reasons, reside apart from family members. These soldiers should not assume that the gaining unit or installation would billet them. Space availability is the critical factor.

b. Geographical bachelors receive priority IV for assignment to SOQ, OQ, BEQ, or EQ. This applies to soldiers in CONUS, Hawaii, and Alaska entitled to Basic Allowance of Housing (BAH) at the “with dependents” rate but not accompanied by family members for personal reasons.

c. Once provided quarters, soldiers must be advised they may be required to vacate housing for soldiers in higher priorities. Normally, thirty days written notice is given.

d. Soldiers must ensure they are financially capable of establishing a household in the event they are required to vacate UPH.

e. Minimum standards of adequacy do not apply to residents in category IV. Adequacy standards are detailed in Table 4-2, AR 210-50.

f. Soldiers assigned UPH in excess of minimum space adequacy standards may have their entitlement to BAQ affected. Refer to AR 210-50 paragraph 3-30 for guidance.

**3. COMMANDER’S RESPONSIBILITIES.**

a. Assign billeting when requested to these personnel, provided space is available.

b. Ensure soldiers are aware they may have to vacate housing for higher priority personnel.

**4. POINTS OF CONTACT.**

a. First Sergeant.

b. Housing Office.



**APPENDIX M**  
**SUSPENSION OF FAVORABLE PERSONNEL ACTIONS (Flags)**

**1. REFERENCES.**

- a. AR 600-8, Military Personnel Management, dated, Oct 89.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), dated, Oct 87.
- c. DA PAM 600-8-1, Standard Installation Division Personnel System (SIDPERS), dated, Mar 89.

**2. DEPARTMENT OF THE ARMY POLICY.**

a. Flagging actions guard against the accidental execution of favorable personnel actions for soldiers not in good standing and support the Army's personnel life-cycle sustainment function.

b. Mandates submission of flags when an unfavorable action or investigation (formal or informal) is started against a soldier by military or civilian authorities.

c. Classifies flag actions into two categories: non-transferable and transferable (paragraph 1-11, AR 600-8-2).

d. Prohibits the execution of the following personnel actions (exceptions are listed in paragraph 1-15 of AR 600-8-2):

- (1) Appointment, reappointment, reenlistment, and extension.
- (2) Entry on active duty (AD) or active duty for training (ADT).
- (3) Reassignment.
- (4) Promotion or reevaluation for promotion.
- (5) Awards and decorations.
- (6) Attendance at civil or military schooling.
- (7) Unqualified resignation or discharge.
- (8) Retirement.
- (9) Advanced or excess leave.
- (10) Payment of enlistment bonus (EB) or selective reenlistment bonus (SRB).
- (11) Assumption of Command.
- (12) Family member travel to an overseas command (when sponsor is overseas).
- (13) Command sponsorship of family members in an overseas command (when sponsor is overseas).

**3. COMMANDER'S RESPONSIBILITIES.**

a. Commanders direct the flagging action when a soldier's status changes from favorable to unfavorable. A flag action is to be removed immediately when the soldier's status changes from unfavorable to favorable.

b. Initiate a separate flag for each investigation, incident, or action.

- c. Review active flag actions monthly.
- d. Consult the security manager if determination is made to suspend access to classified information.
- e. Ensure the rules for transferring and removing flags are being followed.
- f. Ensure soldiers who fail the APFT or fail to meet height and weight requirements are flagged.
- g. **Ensure the soldier is informed of the flag action.**

#### **4. POINTS OF CONTACT.**

- a. Personnel Officer (S1)/NCO.
- b. Legal Specialist/SJA.

## **APPENDIX N BARS TO REENLISTMENT**

### **1. REFERENCES.**

- a. AR 601-280, Total Army Retention Program, dated, Mar 99.
- b. AR 635-200, Active Duty Enlisted Administrative Separations, dated, Aug 90.
- c. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), dated, Oct 87.
- d. DA Pam 600-8, Management and Administrative Procedures, dated, Aug 86.

### **2. DEPARTMENT OF THE ARMY POLICY.**

- a. Only soldiers of high moral character, personal competence, and demonstrated adaptability to military requirements will be allowed to reenlist in the Regular Army.
- b. Soldiers should be treated under the "whole person" concept. Soldiers who can't or don't measure up to standards, but whose separation under proper administrative procedures is not warranted, will be barred from further service.
- c. A bar to reenlistment is not a punitive action. It places the soldier on notice that he is not a candidate for reenlistment and that he may be a candidate for separation if the current circumstances do not change.
- d. Commanders will submit a bar when a fully qualified soldier requests and is denied reenlistment or extension. Commanders should be proactive and bar substandard soldiers before they are eligible for reenlistment.

### **3. GENERAL INFORMATION.**

- a. Soldiers may be barred for numerous reasons. Paragraph 6-4d of AR 601-280 provides a list of some infractions or reasons for which soldiers may be barred. This list is not all-inclusive.
- b. The "whole person" concept is explained in paragraph 2-6 of AR 601-280.
- c. Waivers: Soldiers who don't qualify for reenlistment, extension, or promotion to the rank of Sergeant or Staff Sergeant may submit a request for waiver. Submission of requests for waivers is detailed in paragraph 2-26 of AR 601-280.
- d. Qualitative Management Program (QMP): Bars to reenlistment that resulted from a QMP are discussed in detail in chapter 10, section II of AR 601-280.
- e. Procedures: Bar to reenlistment procedures and the appeal and removal process are detailed in paragraph 6-5 of AR 601-280.

### **4. COMMANDER'S RESPONSIBILITIES.**

- a. Be especially alert to the need to evaluate the advisability and desirability of affording continued military service to soldiers of the following or similar caliber:
  - (1) Untrainable soldiers (AR 601-280, paragraph 6-4).
  - (2) Unsuitable soldiers (AR 601-280, paragraph 6-4).
  - (3) Single soldiers/in-service couples with dependent family members (AR 601-280, paragraph 6-4).

b. Initiate a bar to reenlistment or discharge proceedings per AR 635-200 against soldiers whom:

(1) Don't make satisfactory progress in the Army weight control program.

(2) Fail **two consecutive** APFTs.

(3) Are removed for cause from NCOES courses.

c. Review (evaluate) bars to reenlistment. Once approved, commanders will review bars at least once every three months after the approval date and 30 days prior to the soldier's PCS/ETS.

(1) Upon review, if the commander feels the bar should remain in effect, he will inform the custodian of the soldier's MPRJ. The custodian will enter the remark "Bar to reenlistment received; not recommended for removal (date)" on the soldier's DA 2-1.

(2) Counsel the soldier, using DA Form 4856 (General Counseling Form), and inform him or her that the bar will remain in effect unless recommended for removal.

(3) Inform the soldier that he may request voluntary discharge per AR 635-200, paragraph 16-5. Inform the soldier that discharge proceedings will be started if the bar is not removed upon completion of the second three-month review unless a recommendation for removal is submitted and approved by the proper authority.

(4) The soldier should be considered for discharge any time removal of the bar isn't recommended. If the soldier doesn't demonstrate progress, the commander should consider discharge without waiting for the next review to occur.

d. Separation: Unless a recommendation for removal is submitted, commanders will start discharge action upon completion of the second three-month review.

## **5. POINTS OF CONTACT.**

a. Personnel Officer (S1)/NCO.

b. Unit Legal Specialist/SJA.

c. Unit Retention NCO.

**APPENDIX O**  
**BASIC ALLOWANCE FOR SUBSISTENCE (BAS/SEPARATE RATIONS)**

**1. REFERENCES.**

- a. AR 37-104-4, Military Pay and Allowance Policy and Procedures - Active Component, dated, Sep 94.
- b. AR 600-38, Meal Card Management System, dated, Mar 88.
- c. DOD Military Pay and Allowances Entitlements Manual (DODPM).

**2. DEPARTMENT OF THE ARMY POLICY.**

- a. Government mess facilities available in the geographical area must be used to the fullest extent compatible with economy and efficiency.
- b. The meal card (DD Form 714) identifies permanently assigned or attached soldiers and enlisted personnel from other services authorized to subsist without reimbursing the government.
- c. Limitation: Soldiers are authorized only one type of BAS rate. Authorization of BAS can't cover retroactive periods. However, BAS can be paid from the time an oral authorization is given by the approving authority. The oral approval must be confirmed in writing within 5 working days under normal circumstances, using DA Form 4187 (Personnel Action). Soldiers are not authorized BAS when they're furnished meals or issued a meal card.

**3. AUTHORIZATION/ENTITLEMENTS.**

- a. Officers, Warrant Officers, and Sergeants First Class and above are automatically entitled to BAS.
- b. All soldiers living with family members, regardless of rank, are authorized BAS.
- c. Soldiers are not authorized BAS when in a field environment and furnished meals at government expense.
- d. Soldiers in an excess leave status, unauthorized leave status, or in confinement are not authorized BAS.
- e. Soldiers in the rank of Staff Sergeant and below without family members and provided government billets are not authorized BAS. Only in exceptional cases should soldiers in government billets mess separately.
- f. Soldiers in the rank of Staff Sergeant and below with family members, but living apart (geographical bachelors), and provided government billets **are not authorized BAS.**
- g. The approval authority for soldiers in 3e and 3f above is the installation commander. This authority may be delegated to the first field grade officer in the soldier's chain of command. The following factors are provided as guidelines to authorize BAS to soldiers in these categories. They are not all inclusive and extenuating factors deemed appropriate by commanders may be considered. Each request must be considered on its own merit, but approval must be based on a minimum of two of these factors:
  - (1) Location of residence.
  - (2) Temporary duty (TDY) absences.
  - (3) Duty hour requirements.
  - (4) Dietary restrictions.
  - (5) Religious affiliation.

#### **4. COMMANDER'S RESPONSIBILITIES.**

- a. Commanders must support and promote maximum use of government mess facilities.
- b. Commanders must ensure that soldiers are provided with well-balanced and nutritional meals. Only in exceptional cases should soldiers in government billets be given permission to mess separately.
- c. Ensure soldiers authorized BAS receive their entitlement.
- d. Ensure soldiers who are TDY under field conditions are issued a field meal card. This includes commissioned officers and warrant officers.
- e. Ensure BAS stop or collection action is taken when soldiers depart for TDY under field conditions. Ensure BAS entitlement is started upon their return. These actions must be accomplished in a timely manner. Procedures are detailed in AR 600-38.
- f. Ensure soldiers on meal cards who miss meals due to mission requirements file for reimbursement. Soldiers who miss meals because they weren't hungry or because they didn't like the meal will not receive reimbursement.

#### **6. POINTS OF CONTACT.**

- a. Personnel Officer (S1)/NCO.
- b. G1/MPD

**APPENDIX P**  
**SURE PAY - DIRECT DEPOSIT**

**1. REFERENCE.** AR 37-104-4, Military Pay and Allowances Policy and Procedures – Active Component, dated, Sep 94.

**2. DEPARTMENT OF THE ARMY POLICY.**

- a. Soldiers re-enlisting or entering active duty after 1 Aug 92 are required to have direct deposit.
- b. The SURE-PAY program allows soldiers to manage personal financial obligations while away from the permanent duty station. The program enables married soldiers to provide continued family care during a prolonged absence.
- c. Soldiers can establish SURE PAY by submitting DA Form 3685-R (JUMPS - JSS Pay Elections) and SF 1199A (Direct Deposit Sign-up Form). The SF 1199A is prepared by the soldier's financial organization.

**3. COMMANDER'S RESPONSIBILITIES.**

- a. Ensure soldiers comply with DA policy.
- b. Ensure soldiers who reenlist or enter active duty after 1 Aug 92 have direct deposit.
- c. Ensure soldiers understand their financial obligations in the event of deployment.

**4. POINTS OF CONTACT.**

- a. Personnel Officer (S1)/NCO.
- b. Finance and Accounting Officer.

**APPENDIX Q**  
**INDEBTEDNESS OF ARMY PERSONNEL (INVOLUNTARY ALLOTMENTS)**

**1. REFERENCES.**

- a. AR 608-1, Army Community Service Program, dated, Oct 03.
- b. AR 27-3, Legal Assistance, dated, Feb 96.
- c. AR 380-67, The Department of The Army Personnel Security Program, dated, Sep 88.
- d. AR 600-15, Indebtedness of Military Personnel, dated, Mar 86.
- e. Manual for Courts Martial, 2003 Edition.

**2. DEPARTMENT OF THE ARMY POLICY.**

- a. Soldiers are required to manage their personal affairs satisfactorily and pay their debts promptly. Failure to do so makes the soldier subject to administrative or punitive actions.
- b. Effective 1 January 1995, creditors may apply for involuntary allotments against soldiers who have outstanding commercial debts. Creditors apply to DFAS for the allotment using DD Form 2653 and a certified copy of a judgment issued by a civil court. DFAS reviews the application and, if legally sufficient, forwards it to the soldier and the soldier's commander with DD Form 2654 (commander's notification and soldier response).
- c. Payments will begin 90 days after DFAS mails the packet to the member unless the soldier or commander raises a valid defense. An extension may be granted to respond to the action if requested by the commander for good cause. If the soldier consents to the allotment, the commander returns the packet to DFAS and payments begin within 30 days. If the soldier contests the allotment, he must submit supporting evidence and may seek legal assistance. The soldier must respond within 15 days to contest the allotment. The packet is then forwarded to DFAS for review.
- d. DFAS officials make the final decision on any defense raised by the soldier. If the soldier was unable to appear in the legal proceedings initiated by the creditor because of military exigencies (requirements above and beyond normal duty needs), the commander so indicates on the DD Form 2654 and returns the form to DFAS. This decision is binding on DFAS and DFAS will return the application for allotment to the creditor without further action. Involuntary allotments will be taken only from pay that is subject to involuntary allotment. This does not include allowances or reimbursements for expenses. Other debts (e.g. income tax withholding, government debts, military fines and forfeitures, garnishment for child support or alimony) take priority over allotments for civil debts.

**3. COMMANDER'S RESPONSIBILITIES.**

- a. Ensure soldiers manage their financial affairs so as not to bring discredit to the U.S. Army.
- b. Contact the Staff Judge Advocate (SJA) for assistance when needed.
- c. Process claims promptly and ensure soldier responds within the 15-day requirement.
- d. Refer soldiers to the Staff Judge Advocate or legal assistance if the soldier feels there are legal problems with the debt.



e. Provide financial management counseling for soldiers that have problems in meeting valid debts. Army Community Services provides financial management counseling, seminars, and workshops in addition to consumer protection advice.

**4. POINTS OF CONTACT.**

- a. Staff Judge Advocate
- b. Army Community Service

## **APPENDIX R SEXUAL HARASSMENT**

**1. REFERENCE.** AR 600-20, Army Command Policy, dated, May 02.

### **2. DEPARTMENT OF THE ARMY POLICY.**

a. Army policy is to provide equal opportunity and treatment without regard to race, color, religion, gender, or national origin and to provide an environment free of sexual harassment.

b. Sexual harassment is not limited to the workplace; it can occur almost anywhere. Sexual harassment violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion and will not be engaged in by soldiers or DA civilians.

#### **1. SEXUAL HARASSMENT.**

a. The biggest factor contributing to improper sexual treatment is the lack of understanding of what sexual harassment is. There isn't always a clear distinction between what is and what is not sexual harassment. Opinions vary between what actions are acceptable and what actions are prohibited.

b. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. The recipient of the harassment determines "unwelcome". Sexual harassment is present when any of the following occurs:

(1) Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

(2) Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person.

(3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

c. Any soldier or civilian, when in a supervisory or command position over soldiers or civilian employees, is engaging in sexual harassment when:

(1) They use or condone implicit or explicit behavior.

(2) They use such behavior to control, influence, or affect the career, pay, or job of a person.

(3) They make deliberate or repeated, unwelcome verbal comments, gestures, or physical contact of a sexual nature.

#### **4. COMMANDER'S RESPONSIBILITIES:**

a. The chain of command, whether military or civilian, has the primary responsibility for developing and sustaining a healthy EO climate.

b. Promote positive programs that enhance unit cohesion, esprit, and morale.

c. Communicate matters with EO significance to unit personnel and higher headquarters.

d. Correct discriminatory practices by conducting rapid, objective, and impartial inquiries to resolve complaints of discrimination.

e. Encourage the surfacing of problems and prevent reprisal for those who complain and take appropriate action against those who violate Army policy.

**5. ACTIONS ALL LEADERS, SOLDIERS, AND ARMY CIVILIANS CAN TAKE TO PREVENT AND ELIMINATE SEXUAL HARASSMENT.**

- a. Understand and be knowledgeable of what sexual harassment is.
- b. Acknowledge that sexual harassment exists, and educate yourself and your personnel to prevent it.
- c. Report sexual harassment and treat each allegation of sexual harassment with the seriousness it deserves.
- d. Don't tolerate sexual harassment and take action if you observe or hear it. Many problems can be alleviated if commanders and supervisors act on complaints in a timely, sensitive manner.
- e. Realize that sexual harassment happens to both men and women.

**6. POINTS OF CONTACT.**

- a. Unit Equal Opportunity Representative or office.
- b. Equal Employment Opportunity Office (civilians).
- c. Chain of Command.
- d. Chaplain.

**APPENDIX S**  
**LEAVE (DA FORM 31, REQUEST AND AUTHORITY FOR LEAVE)**

**1. REFERENCE.** AR 600-8-10, Leaves and Passes, dated, Jul 03.

**2. DEPARTMENT OF THE ARMY POLICY.** Encourage all soldiers to use their authorized leave to the maximum extent possible. Leave is beneficial to health, morale, and motivation, and helps maintain efficient performance of military duties.

**3. GENERAL INFORMATION.**

a. Soldiers are often erroneously charged for leave. Lack of knowledge or proper training by battalion S1 personnel is often the cause.

b. Soldiers will be charged leave for actual days taken. If a soldier works on the departure or return day for the majority of the normal working hours (more than one-half of the normally scheduled working hours), then that day is not charged as leave. An entry must be made in the "remarks" section of the DA Form 31.

c. If the soldier returns on a non-duty day, the preceding day is the last day of chargeable leave. Soldiers engaged in shift work normally have other non-duty days. Example: A soldier returns on Tuesday (Tuesday is his regularly scheduled non-duty day). The preceding day (Monday) is the last day of chargeable leave.

d. Adjustment of leave records for day of return must be processed while the soldier is assigned to the unit having jurisdiction over the leave.

e. Definitions of leave:

(1). Accrued leave: This is leave that a soldier has earned and accumulated at a rate of 2.5 days per month. Leave in excess of 60 days at the end of the Fiscal Year (FY) will be lost unless authorized by paragraph 3-3 of AR 600-8-10.

(2). Advanced leave: This is leave granted to soldiers with little or no leave balance. Basically, it is a loan of leave a soldier expects to earn during his current term of service.

(3). Excess leave: This is leave without pay, allowances, or leave accrual. It is granted only upon the soldier's request, except as outlined in paragraph 5-15 of AR 600-8-10. Soldiers on excess leave who incur a physical disability are not entitled to physical disability retired pay.

**4. COMMANDER'S RESPONSIBILITIES.**

a. Commanders will ensure compliance with existing policies and procedures.

b. Commanders will establish an annual leave program to manage leave. Encourage soldiers to use, on an average; their entire 30 days leave each year.

c. Counsel soldiers who do not take leave that they may lose leave at the end of the fiscal year.

d. Ensure soldiers are charged leave only for days taken.

e. Ensure voiding, reconstruction, or correction of DA Form 31 is done properly and when required.

f. Process and verify changes affecting leave, such as sick-in-hospital or sick-in-quarters. Chapter 5, AR 600-8-10 provides detailed guidance.

g. Process and be thoroughly familiar with advanced and excess leave policies. Ensure soldiers understand each program.

h. Process emergency leave requests as quickly as possible. Be familiar with briefing requirements and travel authorizations afforded to soldiers. This applies to soldiers whose Home of Record (HOR) is overseas and to soldiers stationed overseas traveling to stateside HOR. Remind soldiers that emergency leave is chargeable leave.

i. Process requests for leave in conjunction with Permanent Change of Station (PCS) or Temporary Duty (TDY). Do not grant extension requests to soldiers that have PCS'd from your organization.

j. Process requests for leave or travel outside of the United States. Ensure soldiers are briefed on their responsibilities according to Chapter 8, AR 600-8-10.

k. Process requests for convalescent leave. Ensure supporting recommendation has been received from a physician. Chapter 5 provides detailed guidance on medically related absences.

l. Process requests for pass. Soldiers are not authorized leave in conjunction with special passes.

m. Ensure requests for permissive TDY are appropriate and authorized.

n. Ensure denial of permissive TDY is entered on DA Form 31.

## **5. POINTS OF CONTACT.**

a. Personnel Officer (S1)/Personnel Sergeant.

b. Chain of Command.

**APPENDIX T**  
**AWARDS (INDIVIDUAL AWARDS/DECORATIONS)**

**1. REFERENCES.**

- a. AR 600-8-22, Military Awards, dated, Feb 95.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), dated Oct 87.
- c. AR 600-8-104, Military Personnel Information Management/Records, dated Apr 92.

**2. DEPARTMENT OF THE ARMY POLICY.**

- a. It is the responsibility of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration to submit a formal recommendation into military command channels for consideration. A soldier may not recommend himself for award of a decoration.
- b. Each recommendation must be entered administratively into military channels within two years of the act, achievement, or service to be honored, except as indicated in paragraph 1-14a, b, c, d, or e of AR 600-8-22.
- c. A medal will not be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service has not been honorable. See AR 600-8-22, paragraph 1-16.
- d. Soldiers under suspension of favorable personnel actions (flags) are not eligible to receive an award during the period of the suspension. Exceptions are listed in AR 600-8-2.
- e. Provisions on individual awards are fully detailed in AR 600-8-22.

**3. GENERAL INFORMATION.**

- a. Once an award recommendation is submitted, it must be forwarded to the approval/ disapproval authority. The Chain of Command can only recommend approval or disapproval and **must** forward the recommendation to the approval/disapproval authority. The Chain of Command cannot refuse to process an award recommendation or discard it for any reason.
- b. If the award recommendation, DA Form 638 (Recommendation for Award (For Other Than Valor) of Army Achievement Medal (AAM), Army Commendation Medal (ARCOM), and Meritorious Service Medal (MSM)), is disapproved, the original DA Form 638 must be sent for filing in the soldier's Official Military Personnel File (OMPF). If the award is downgraded, a copy of the DA Form 638 must be sent for filing in the soldier's OMPF.
- c. Recommendations for awards must be based on specific achievements.
- d. Awards for meritorious achievement or service **will not be based upon the grade** of the intended recipient. The predominant factor will be the degree to which an individual's achievement or service enhanced the readiness or effectiveness of his organization.
- e. No individual is automatically entitled to an award upon departure from an assignment. Consideration should be given to certificates, coins, or other signs of gratitude when a military award is not appropriate.
- f. Preconditions for an award may not be established nor will they be used as prizes in contests.
- g. Limiting awards to a specific number per unit (quotas) is **not authorized**.

**4. COMMANDER'S RESPONSIBILITIES.** Ensure implementation of the provisions of AR 600-8-22.

**5. POINTS OF CONTACT.**

- a. Personnel Officer (S1)/Personnel Sergeant.
- b. G1/Servicing MILPO.

## **APPENDIX U COUNSELING**

### **1. REFERENCE.**

- a. AR 635-200, Active Duty Enlisted Administrative Separations, dated, Dec 03.
- b. AR 600-8-19, Enlisted Promotions and Reductions, dated, Jan 04 and MILPER Message #04-037, dated, 25 Nov 03.
- c. AR 600-8-24, Officer Transfers and Discharges, dated, Feb 03.
- d. AR 600-9, The Army Weight Control Program, dated Jun 87.
- e. AR 600-20, Army Command Policy, dated, May 02.
- f. AR 623-105, Officer Evaluation Reporting System, dated, Apr 98.
- g. AR 623-205, Enlisted Evaluation Reporting System, dated, Mar 92.
- h. FM 22-100, Army Leadership, dated, Aug 99.

### **2. DEPARTMENT OF THE ARMY POLICY.**

- a. Commanders must ensure that soldiers clearly understand the counseling process.
- b. Provide a written record of a soldier's performance. This record is used to support personnel actions such as promotions, awards, schools, OERs/NCOERs, administrative and disciplinary actions. This list is not all-inclusive.
- c. Provide a written record of a supervisor's ability to counsel.

### **3. GENERAL INFORMATION.**

- a. When properly and routinely used, the General Counseling Form (DA Form 4856) ensures that soldiers being counseled are clearly aware of their performance. Commanders will ensure that all members of their command receive timely performance counseling. General counseling affords the soldier the opportunity to improve based on specific guidance and/or noted deficiencies.
- b. General counseling provides a written record that protects the integrity of the chain of command. It also protects the basic right of soldiers to clearly understand a supervisor's perceptions of their performance.
- c. Providing regular and effective performance counseling to all soldiers, not just those who fail to meet standards, is a command responsibility. All commanders will ensure that their subordinate leaders have implemented and are maintaining an **effective performance-counseling** program.
- d. Unit leaders will ensure that Privates First Class who are eligible for promotion without waiver but are not recommended, are counseled in writing. Leaders will counsel, in writing, Specialists and Sergeants who are eligible for promotion without waiver but are not recommended. Counseling will take place as follows:
  - (1) When a soldier initially reaches the primary zone.
  - (2) Periodically thereafter at the discretion of the commander.



e. AR 623-205 paragraph 3-6a requires a rater to conduct performance counseling on the NCOs they rate. Performance counseling will focus on duty performance and professional development throughout the rating period. Performance counseling must occur on a regular basis, but specifically:

- (1) Within the first 30 days of a new rating period.
- (2) Within the first 30 days after promotion to Sergeant.
- (3) Within the first 30 days of appointment to Corporal.
- (4) At least once every three months during the rating period.

f. The rater must prepare and use DA Form 2166-8-1 (NCO Counseling Checklist/Record) when conducting performance counseling for each rated NCO. The form will be used along with a working copy of the NCO-ER (DA Form 2166-8) for conducting performance counseling. The rater maintains the DA Form 2166-8-1 until after the NCO-ER has been approved and submitted to U.S. Army Enlisted Records and Evaluation Center, State Adjutant General or the Commanding General, ARPERCEN. The rater will maintain the checklist for one year for Corporals who will not receive a record NCO-ER.

g. Senior Raters will use all available means to become familiar with the rated NCO's performance throughout the rating period, such as a periodic review of the counseling checklist, to ensure counselings are accomplished IAW regulations. When counseling dates are omitted, the Senior Rater must include a statement in part "V", section "e", explaining why counseling was not accomplished.

#### **4. COMMANDER'S RESPONSIBILITIES.**

- a. Ensure that counseling is conducted on a routine basis.
- b. Ensure that soldiers are counseled for performing well on specific missions or tasks.
- c. Ensure that counseling is performed in a positive manner. All counseling should provide evaluation of the soldier's performance, goals for future performance, and methods to affect improvement. Leaders should use this method even when counseling a soldier for poor performance or disciplinary infractions.

#### **5. POINTS OF CONTACT.**

- a. Chain of Command/First Sergeant.
- b. Unit Legal Specialist/Staff Judge Advocate.

**APPENDIX V**  
**OFFICER EVALUATION REPORTING SYSTEM**

**1. REFERENCE.** AR 623-105, Officer Evaluation Reporting System, dated, Apr 98.

**2. DEPARTMENT OF THE ARMY POLICY.**

a. AR 623-105, paragraph 2-11 and 2-15 requires that senior raters ensure that all rated officers are provided with a copy of the rater's and senior rater's support forms shortly after assuming duties. The initial counseling has to be accomplished within 30 days after the beginning of the rating period and should address the scope of the rated officer's duties. It should include as a minimum, the rated officer's duty description and performance objectives he should attain. The discussion should also include the relationship of the duty description and objectives with the organization's mission, problems, priorities, and similar matters.

b. The rater must counsel the rated officer throughout the rating period and prepare and use DA Form 67-9-1 and DA Form 67-9-1a when conducting performance counseling.

c. AR 623-105, paragraph 3-10 requires the rater of LTs and WO1s to ensure the Junior Officer Developmental Support Form (DA Form 67-9-1a, JODSF) is initiated at the initial face-to-face counseling. The JODSF will be used as a working tool during the rating period. Mandatory quarterly follow-up counseling sessions will be conducted to discuss performance, update and revise developmental tasks, and assess developmental progress.

d. AR 623-105, paragraph 3-19 focuses on Army values. The rater is required using rating criteria to enhance officer familiarity with Army values. As such he is required to evaluate each rated officer's strengths, identify any unique skills, which are of value to the Army and provide narrative comments.

e. The order of signatures should consist of the following: officer being rated signs, intermediate rater (if any), and senior rater. Submission to PERSCOM has to be accomplished within 60-90 days after the rating period.

**3. POINTS OF CONTACT.**

a. Personnel Sergeant.

b. S1/Adjutant.

c. Personnel Service Center.

**APPENDIX W**  
**ADMINISTRATIVE SEPARATIONS (CHAPTERS)**

**1. REFERENCES.**

- a. AR 350-21, Instruction in Benefits of an Honorable Discharge, dated, Mar 85.
- b. AR 635-200, Active Duty Enlisted Administrative Separations, dated, Dec 03.
- c. Manual For Courts Martial, Edition 2003

**2. DEPARTMENT OF THE ARMY POLICY.**

a. There is a substantial investment in the training of those enlisted or inducted into the Army. Commanders will ensure that adequate counseling and rehabilitative measures have been taken before initiating action to separate a soldier for one of the following reasons:

- (1) Involuntary separation due to parenthood (Chapter 5, paragraph 5-8).
- (2) Personality disorder (Chapter 5, paragraph 5-13).
- (3) Entry level performance and conduct (Chapter 11).
- (4) Unsatisfactory performance (Chapter 13).
- (5) Minor disciplinary infractions or a pattern of misconduct (Chapter 14, paragraphs 14-12a and b).

b. When a soldier's conduct or performance warrant initiation of separation action for one of the reasons in 2a above, he or she will be counseled by a responsible person about his or her deficiencies at least once before initiating separation action.

c. This counseling will be conducted IAW AR 350-21, paragraph 5. It will be comprehensive and will include at least the following:

- (1) The reason for counseling.
- (2) That separation action may be initiated if the behavior continues.
- (3) The type of discharge that could result from the possible separation action and the effect of each type of discharge.

d. Each counseling session required by this paragraph must be recorded in writing on DA Form 4856-E (Developmental Counseling Form).

e. At least one of the following measures will be taken prior to initiation of separation action for one of the reasons cited in 2a(3) through (5) above:

- (1) Reassigned at least once, with at least 2 months of duty in each unit. Reassignment should be between at least battalion- sized units.
- (2) Permanent Change of Station.
  - (a) Soldiers in the grades of Private through Specialist/Corporal, with 2 years of service or less.
  - (b) A transfer to another station that would not be detrimental to the soldier or the Army.

f. The requirement for a rehabilitative transfer may be waived by the separation authority at any time on/or before the separation authority approves or disapproves the separation.

**3. GENERAL INFORMATION.** There are 13 different chapters (4 through 16) for separating personnel. Each has its own set of rules and procedures. For example, separations involving misconduct (Chapter 14) or unsatisfactory performance (Chapter 13), a rehabilitative transfer must be provided unless waived by the separation authority. Some chapter actions require the use of the **notification procedure** outlined in chapter 2 of AR 635-200. This explains the soldier's rights in the proceedings and is part of the **due process** procedure. A commander's failure to administer chapter actions according to regulation can result in the action being overturned upon legal review or appeal.

#### **4. COMMANDER'S RESPONSIBILITIES.**

- a. Become thoroughly familiar with the regulations governing the types of separation action desired.
- b. Consult with the servicing Staff Judge Advocate and Adjutant before initiating any separation action.
- c. Ensure that reasonable efforts towards rehabilitation have been exhausted before initiating separation proceedings.
- d. Ensure that adequate counseling has been accomplished in writing.

#### **5. POINTS OF CONTACT.**

- a. Personnel Officer (S1)/NCO.
- b. Staff Judge Advocate.

**APPENDIX X**  
**MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED FORCES**

**1. REFERENCES.**

- a. DoD Directive 6490.1, Mental Health Evaluations of Members of the Armed Forces
- b. DoD Directive 7050.6, Military Whistle-Blower Protection
- c. AR 40-501, Standards of Medical Fitness, dated, Feb 04.

**2. DEPARTMENT OF THE ARMY POLICY.**

- a. A commanding officer shall consult with mental health professionals before referring a soldier for a mental health evaluation to be conducted on an outpatient basis.
- b. A soldier has certain rights when referred for a mental health evaluation and additional rights when admitted to a treatment facility for an emergency or involuntary mental health evaluation.
- c. No person shall refer a soldier for a mental health evaluation as a reprisal for making or preparing lawful communication to a **Member of Congress**. No person shall refer a soldier for a mental health evaluation as a reprisal for making or preparing lawful communication to a any appropriate authority in the chain of command of the soldier, an **Inspector General (IG)**, or a member of DoD audit, inspection, investigation, or law enforcement organization.
- d. No person shall restrict a soldier from lawfully communicating with an IG, attorney, Member of Congress, or others about the soldier's referral for mental health evaluation.
- e. Violation of 3c and d above by any person subject to UCMJ is punishable as a violation of Article 92 of the UCMJ, and violation by civilian employees is punishable under regulations governing civilian disciplinary or adverse actions.
- f. Nothing in these procedures shall be construed to limit the authority of a commander to refer soldiers for emergency mental health evaluation and/or treatment when circumstances suggest the need for such action.

**3. COMMANDER'S RESPONSIBILITIES.**

- a. Become familiar with the DoD Directive on Mental Health Evaluations and AR 40-501.
- b. Ensure that soldiers are not referred for mental health evaluations as a reprisal for whistleblowing.
- c. Only commanders will consult with mental health professionals before referring soldiers for evaluations.
- d. Follow the requirements for notification to the soldier before he attends the evaluation. The notice shall, at a minimum, include the following:
  - (1) The date and time the evaluation is scheduled.
  - (2) A brief, factual description of the behaviors and/or verbal expressions that caused the commander to determine a mental health evaluation was necessary.
  - (3) The names of the mental health professionals with whom the commanding officer consulted before making the referral. If such consultation is not possible, the notice shall include reasons why.

(4) The positions and telephone numbers of authorities, including attorneys and IGs, who can assist a soldier who wishes to question the referral.

(5) Provide the soldier with a copy of the rights listed in paragraph 1.b of DoD Directive 6490.1.

(6) The soldier's signature attesting to having received the notice described in subparagraphs 1.a.(1) through (5) of DoD Directive 6490.1. If the soldier refuses to sign, the commander shall indicate this on the notice.

#### **4. POINTS OF CONTACT.**

a. Community Mental Health.

b. Staff Judge Advocate.

## **APPENDIX Y**

### **REPRISALS AGAINST WHISTLEBLOWERS**

#### **1. REFERENCES.**

- a. AR 20-1, Inspector General Procedures and Activities, dated, Mar 02.
- b. DoD Directive 7050.6, Military Whistleblower Protection
- c. Title 10, United States Code, Military Whistleblower Protection Act, Chapter 47, sections 892, 1034, 1552, and 1553.

#### **2. DEPARTMENT OF THE ARMY POLICY.**

- a. Members of the Armed Forces shall be free to make protected communications to Members of Congress, the Inspector General, DoD audit, inspection, investigation or law enforcement organization, or any person or organization including the chain of command.
- b. No person shall restrict a member of the Armed Forces from making a protected communication.

#### **3. GENERAL INFORMATION.**

- a. A reprisal is defined as taking, or threatening to take, unfavorable personnel action, or withholding, or threatening to withhold, a favorable personnel action for making or preparing a protected communication. **No person** is authorized to reprise against another for making or preparing a protected communication.
- b. A protected disclosure is a lawful communication to those persons or agencies listed in 2a above in which a military member communicates information that the member reasonably evidences:
  - (1) A violation of a law or regulation.
  - (2) Sexual harassment or unlawful discrimination.
  - (3) Mismanagement.
  - (4) A gross waste of funds or other resources.
  - (5) Abuse of authority.
  - (6) A substantial and specific danger to public health or safety.
- c. A personnel action is any action regarding a soldier that affects, or has the potential to affect, the military member's current position or career. Such actions include promotions, disciplinary or corrective action, transfers or reassignments, performance evaluations, decisions concerning pay, benefits, awards, or training, referrals for mental health evaluations, and any other significant changes in duties or responsibilities inconsistent with the soldier's rank.
- d. Members of the Armed Forces shall be free from reprisal for making or preparing a protected communication.
- e. Any violation of 3a above by any person subject to Title 10 of the United States Code and the UCMJ may be punished under Article 92 of the Uniform Code of Military Justice.
- f. Department of the Army personnel are prohibited from taking acts of reprisal against any soldier for filing a complaint of unlawful discrimination or sexual harassment. Allegations of reprisal will be reported to the MACOM IG, who will determine which investigating agency will work the case. Investigations will focus on the reprisal, not the complaint.

g. The burden of proof is on the supervisor or commander to prove there was no reprisal.

h. To prove a reprisal has taken place, the following questions must be answered in the following manner:

(1) Did the military member make a protected communication? Yes.

(2) Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following the protected disclosure? Yes.

(3) Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected disclosure? Yes.

(4) Does the evidence establish the personnel action would have been taken, withheld, or threatened if the protected communication had not been made? No.

#### **4. COMMANDER'S RESPONSIBILITIES.**

a. Ensure that subordinate leaders understand it is the right of all members of the Armed Forces to make a protected disclosure.

b. Assume the burden of proof of any allegation of reprisal within the command.

#### **5. POINTS OF CONTACT.**

a. Inspector General.

b. Staff Judge Advocate.